

**REMARKS**

Claims 1-9, 11 and 12 remain in the application. Reconsideration of the application and allowance of all claims are respectfully requested in view of the above amendments and the following remarks.

Withdrawal of the finality of the Office action is respectfully requested. Claims 1, 2, 4-6 and 8-12 are rejected as unpatentable over Linneweh in view of Yarwood. In the previous Office action, claims 1, 2, 4-6 and 8-13 were rejected for anticipation by Linneweh. An Office action cannot be made final if it is based on new art not necessitated by an amendment to the claim. Using at least claim 12 as an example, the only amendment to that claim was to incorporate claim 13, so that claim 12 now corresponds to claim 13 rewritten in independent form. Since there was no amendment to claim 12 which necessitated citation of new art, the finality of the action is improper, and withdrawal of the finality is requested.

As to the merits of the rejection, the deficiency in Linneweh is that it is an "intermittent" type of reservation system, e.g., as discussed at page 9 of the response filed November 27, 2006. To make up for this deficiency, the examiner now cites Yarwood. However, for at least the following reasons, the combination of the teachings of the prior art proposed by the examiner does not support a rejection of the claims.

First, Linneweh acknowledges "continuous" reservation systems as prior art and points out the inefficiency of such systems, and specifically provides an alternative. Thus, modifying Linneweh to be a continuous reservation system would defeat the purpose for which Linneweh

was designed, and this should not be considered obvious without some specific direction in the prior art to make such a modification.

Second, the present invention permanently sets aside at least one circuit segment and then dynamically allocates the reserved segment(s), whereas Yarwood sets aside a broadcast channel. A channel is not a circuit segment, and Yarwood does not discuss setting aside circuit segments. It might have been obvious in view of Yarwood to modify Linneweh such that it would set aside a broadcast channel, but this would not constitute setting aside circuit segments. Indeed, to set aside circuit segments for use in broadcasting would require setting aside circuit segments on every path, i.e., to all users receiving the contemplated emergency broadcast. This would be wholly impractical and certainly not suggested by Yarwood.

For the above reasons, it is submitted that the subject matter claimed in the present case would not have been obvious from the combined teachings of the art of record.

In addition, it is noted that the circuit segments set aside in the present invention are for point-to-point calls between users. Since the users between which the circuit segments are set aside are only the preferred users, and since the reserved circuit segments can be shared by multiple such users, setting aside the circuit segments necessary to achieve the improved performance of the present invention for preferred users, will not effectively cripple the rest of the system. It is believed that at least claim 5 already requires application of the invention to point-to-point calls, but all independent claims have been amended to clarify that the circuit segments being set aside are for point-to-point calls and not broadcast calls.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Amendment Under 37 C.F.R. § 1.116  
USSN 09/907,908

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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